

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-192

April 23, 1997

PUBLIC UTILITIES COMMISSION
Inquiry Into Telecommunications
Service Standards

NOTICE OF INQUIRY

WELCH, Chairman; NUGENT and HUNT, Commissioners

I. SUMMARY

In this Notice, we open an inquiry to obtain information to help us define the scope of a rulemaking we intend to propose on telecommunications service standards. The inquiry solicits comments on a list of issues related to the provision of local exchange and interexchange service in Maine.

II. INTRODUCTION

The Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996 enacted in February 1996 (TelAct96), facilitates the development of competitive markets in telecommunications. TelAct96 requires the Federal Communications Commission to undertake a number of specific actions to develop competitive markets.

TelAct96 leaves to the states to certain issues including:

1. availability of service by category of subscribers (§ 251(c)(4)(B));
 2. collocation of equipment at local exchange carrier (LEC) premises (§ 251(c)(6));
 3. access and interconnection obligations (§ 251(d)(3)(A));
 4. exemption, suspension, and modification of certain obligations of rural telephone companies (§ 251(f));
 5. mediation and arbitration of agreements between incumbent LECs (ILECs) and other telecommunications carriers (§ 252(a-c));
 6. determination of interconnection rates (§ 252(d));
 7. approval of interconnection agreements (§ 252(e));
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8. intrastate (including toll and local) service quality standards (§ 252(e)(3); § 252(f)(2); § 253(c));
9. approval of statements of generally available terms (§ 252(f));
10. preservation and advancement of universal service (§ 253(b); § 254(f));
11. protection of the public safety and welfare (§ 253(b));
12. safeguarding the rights of intrastate (including toll and local) consumers (§ 253(b));
13. management of public rights-of-way (§ 253(c));
14. establishment of cost allocation rules, accounting safeguards, and universal service cost guidelines (§ 254(k));
15. requirements necessary to further competition (§ 261(c));
16. determination of good faith in negotiations (§ 271(c)(1)(B));
17. consultation with the Federal Communications Commission (FCC) on the status of intrastate competition (§ 271(d)(2)(B));
18. requirements for intraLATA toll dialing parity (intraLATA toll carrier presubscription) (§ 271(e)(2)(B)); and
19. cooperation with FCC on audits of regional Bell operating company (RBOC) affiliates (§ 272(d)).

The basic purpose of regulation by the Public Utilities Commission is stated in Maine law at 35-A M.R.S.A. § 101:

The purpose of this Title is to ensure that there is a regulatory system for public utilities in the State which is consistent with the public interest and with other requirements of law. The basic purpose of this regulatory system is to assure safe, reasonable and adequate service at rates which are just and reasonable to customers and public utilities.

The Maine Legislature has established telecommunications policies that address universal service (35-A M.R.S.A. § 7101(1)), economic development (§ 7101(2)), information access (§ 7101(4)), and privacy (§ 7101-A), and has established numerous specific requirements related to the provision of telecommunications service in Maine (e.g., reduced rates for deaf, hard-of-hearing, or speech-impaired persons (§ 7302)).

We have addressed and expect to continue to address a number of the TelAct96 issues in other proceedings.¹ In this Inquiry, we plan to address the remaining elements related to provision of competitive telecommunications service in Maine, consistent with the requirements set forth in TelAct96 and Maine law as cited above.

In this Inquiry, we seek comments on specific attributes of telecommunications service related both to local exchange and to interexchange services in Maine. We list these attributes in Part III below. Subsequently, we will propose a telecommunications service rule for Maine that addresses TelAct96 the requirements and State telecommunications policies, and reflects comments received in this Inquiry. Our intent is to apply the same standards to both incumbent and competitive entrant providers of services.

III. LOCAL EXCHANGE SERVICE

We have identified a list of attributes related to the provision of local exchange service. We believe that at least some of these attributes should be mandatory for all providers of local exchange service in Maine, consistent with TelAct96 requirements and Maine law. Other attributes, although not required by law, may be highly desirable. The purpose of this Inquiry is to determine, at least preliminarily, the extent to which prospective subscribers should be provided with adequate information about the services available from carriers, such as:

1. voice grade access to the public switched network;
2. dual-tone multi-frequency (DTMF) signaling (e.g., "Touch Tone" Service) or its functional digital equivalent;

¹See, e.g., *Public Utilities Commission, Investigation of the Entry of New England Telephone and Telegraph Company d/b/a NYNEX into In-Region InterLATA Services Pursuant to 47 U.S.C. § 271*, Docket No. 96-781; *AT&T of New England, Inc., New England Telephone and Telegraph Company d/b/a NYNEX, Requests for Arbitration Pursuant to Section 252(B) of the Telecommunications Act of 1996*, Docket No. 96-510.

3. availability of single-party service;
 4. access to emergency service (9-1-1 or E-9-1-1);
 5. access to operator service;
 6. access to interexchange (toll) service;
 7. access to directory assistance;
 8. access to Maine Telecommunications Relay Services for deaf, hearing- and speech-impaired persons;
 9. construction and maintenance of facilities in accordance with the National Electrical Safety Code;
 10. access to subscribers of all other Maine local exchange carriers;
 11. basic service calling area (BSCA) two-way calling consistent with Chapter 204 of the Commission's Rules;
 12. switching systems with emergency stand-alone switching capability and backup power;
 13. service quality standards consistent with NARUC Model Telecommunications Service Rules;
 14. service quality reporting to the Commission (including customer service, service reliability, and customer satisfaction);
 15. minimum guaranteed data transmission rate;
 16. local telephone number portability;
 17. reliability/survivability plan;
 18. rates for basic service not to increase by 20% or more at one time or in steps over a 1-year period without written advance notice to all subscribers;
 19. provision of service standards and policies to all prospective subscribers in writing;
 20. pay-per-call (e.g., 900 and 976) blocking capability; and
 21. compliance with all Commission Rules unless explicitly waived.
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We solicit comment on whether certain elements in the list above should be mandatory features of local exchange service provided in Maine and, if so, which elements. We further solicit comment on whether we should require LECs to inform prospective subscribers about which non-mandatory attributes they will provide. We further solicit comment on alternative means that would provide prospective subscribers with adequate information about available services.

We also seek comment on the following questions related to local exchange service:

1. What is your understanding of the current definition and the components of basic telecommunications service in Maine?
 2. What minimum operational, technical, and functional attributes should comprise the definition of basic service in a competitive local exchange market?
 3. Does the definition of basic service change upon authorization of local exchange competition pursuant to TelAct96? If so, how?
 4. Can a definition proposed in #2 above be uniformly applied to all incumbent and competitive providers of local exchange service? If not, what restrictions or qualifications should be applied?
 5. What Commission rules must be amended to ensure full compliance by all providers with a definition of basic service?
 6. What public benefit accrues from any modification of the current understanding of basic service?
 7. What public risk or detriment is incurred from any modification to the current understanding of basic service?
 8. What rules are necessary to address unauthorized switching of a customer's pre-subscribed local exchange carrier (local "slamming")?
 9. What amount should subscribers be charged for switching presubscribed local exchange carriers?
 10. What circumstances, if any, may justify different treatment for Incumbent LECs (ILECs) from Competitive LECs (CLECs)?
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11. What are the pros and cons of including a local usage component as an attribute of the definition of voice grade access?

12. What would be effective methods for educating consumers about the changing nature of local exchange service, and ensuring that they are aware they may have local exchange service options?

13. What role should the Commission play in any proposed educational programs?

14. What role should the Commission have in adopting standards, monitoring, or enforcing advertising or publicity related to local service options?

15. What role should the Commission have in restricting directory assistance charges in situations where the sought information is not provided?

IV. INTEREXCHANGE SERVICE

We seek answers to the following questions related to interexchange service:

1. What elements in the list shown under LOCAL SERVICE services in Section III above should apply to interexchange service?

2. What rules are necessary to address unauthorized switching of a customer's presubscribed intrastate interexchange carrier (intrastate "slamming")?

3. What should subscribers be charged for switching presubscribed intrastate interexchange service?

V. ALL TELECOMMUNICATIONS SERVICES

We seek answers to the following question related to all telecommunications services:

1. To the extent that interexchange or other telecommunications services are "bundled" or sold jointly with local services, should we prohibit the disconnection of local service because of a subscriber's nonpayment of charges for those other services?

VI. COMMENTS

Interested persons may file comments or answers to the above questions. An original and six copies of comments should be filed with the Administrative Director, Maine Public Utilities Commission, 18 State House Station, Augusta, ME 04333-0018 by May 31, 1997. We will likely proceed with a formal rulemaking after reviewing those comments.

Accordingly, we

O R D E R

1. That an inquiry is opened as described in the body of this Notice, pursuant to Part 12 of Chapter 110 of the Commission's Rules;

2. That the Administrative Director shall send copies of this Notice to all telephone utilities authorized to operate in Maine, except entities that are public utilities solely because they provide Customer-Owned, Coin-Operated (or coinless) Telephone (COCOT) service;

3. That the Administrative Director shall send copies of this Notice to all entities that have petitions pending before the Commission for authority to provide competitive telecommunications services in Maine; and

4. That the Public Information Coordinator shall post a copy of this Notice on the Commission's World Wide Web page (<http://www.state.me.us/mpuc/>).

Dated at Augusta, Maine this 23rd day of April, 1997.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Acting Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.
